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#28

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 20 2004

Applicants : Jiangchun Xu et al.  
Application No. : 09/232,880  
Filed : January 15, 1999  
For : COMPOUNDS FOR IMMUNODIAGNOSIS OF PROSTATE  
CANCER AND METHODS FOR THEIR USE

TECH CENTER, ALEXANDRIA

Examiner : Alana M. Harris, Ph.D.  
Art Unit : 1642  
Docket No. : 210121.428C6  
Date : October 15, 2004

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181

Commissioner for Patents:

Applicants hereby petition the Commissioner to withdraw the Notice of Abandonment mailed March 5, 2004 for failure to timely file a proper reply to an Office Action mailed June 17, 2003 in the above-referenced application.

Applicants note that a Request for Continued Examination was timely filed on October 16, 2003. Applicants enclose herewith the following supporting documentation:


1. A copy of the return receipt postcard date stamped October 16, 2003;
2. A copy of the Express Mail label showing the Amendment was mailed on October 16, 2003; and

3. A copy of the Request for Continued Examination and Transmittal Documents as filed.

Accordingly, applicants hereby request the withdrawal of the improper holding of abandonment and entry of the Request for Continued Examination filed October 16, 2003. Should questions remain, the Examiner is invited to contact applicants' representative, Jeffrey Hundley, Ph.D. by telephone at 206-622-4900 or by email at JeffH@seedIP.com.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



Jeffrey Hundley, Ph.D., Patent Agent  
Registration No. 42,676

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Enclosures:

- Postcard
- Copy of Return Receipt Postcard
- Copy of the Express Mail Label
- Copy of the Request for Continued Examination and Transmittal Documents as filed

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RCE REQUEST

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Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Check; Request for Continued Examination Transmittal; Fee Transmittal (+ copy);  
Petition for Extension of Time; in re: Jiangchun Xu et al., USAN 99/232,880, filed  
January 15, 1999, for COMPOUNDS FOR IMMUNOTHERAPY OF PROSTATE  
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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  <b>Address to:</b> <b>Mail Stop RCE</b> <b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>Application Number</b>	09/232,880
	<b>Filing Date</b>	January 15, 1999
	<b>First Named Inventor</b>	Jiangchun Xu
	<b>Art Unit</b>	1642
	<b>Examiner Name</b>	Alana Harris
	<b>Attorney Docket Number</b>	210121.428C6

**This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.**  
 Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ii. ☒ Other Response Under 37 CFR § 1.116 previously filed August 18, 2003.
  - b. Enclosed
    - i. ☐ Amendment/Reply
    - ii. ☐ Affidavit(s)/Declaration(s)
    - iii. ☐ Information Disclosure Statement (IDS)
    - iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
  - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
  - b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
  - a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1090.
    - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
    - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
    - iii. ☐ Other \_\_\_\_\_
  - b. ☒ Check in the amount of \$ 880 enclosed
  - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

<b>Name (Print /Type)</b>	Jeffrey Hundley, Ph.D., Patent Agent	<b>Registration No. (Attorney/Agent)</b>	42,676
<b>Signature</b>		<b>Date</b>	October 16, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.